

## SUBMITTED RESOLUTIONS

## SENATE RESOLUTION 38—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN submitted the following resolution; from the Committee on Energy and Natural Resources; which was referred to the Committee on Rules and Administration;

S. RES. 38

*Resolved*, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Energy and Natural Resources is authorized from March 1, 2007, through September 30, 2007; October 1, 2007, through September 30, 2008; and October 1, 2008, through February 28, 2009, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or nonreimbursable basis the services of personnel of any such department or agency.

SEC. 2(a). The expenses of the committee for the period March 1, 2007, through September 30, 2007, under this resolution shall not exceed \$3,083,641.

(b) For the period October 1, 2007, through September 30, 2008, expenses of the committee under this resolution shall not exceed \$5,404,061.

(c) For the period October 1, 2008, through February 28, 2009, expenses of the committee under this resolution shall not exceed \$2,295,042.

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2007, respectively.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services, or (7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

## SENATE RESOLUTION 39—EXPRESSING THE SENSE OF THE SENATE ON THE NEED FOR APPROVAL BY THE CONGRESS BEFORE ANY OFFENSIVE MILITARY ACTION BY THE UNITED STATES AGAINST ANOTHER NATION

Mr. BYRD submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. 39

Whereas the United States has the best trained, most effective military in the world;

Whereas the United States military is made up of dedicated, patriotic men and women;

Whereas the men and women in the United States military reflect the highest values and the spirit of our Nation;

Whereas the United States Government has the responsibility to ensure that the men and women of the United States military are provided for to the fullest extent;

Whereas the United States Government has the responsibility to make certain that the lives of the men and women of the United States military are never put at risk without the utmost consideration;

Whereas military action by the United States must not be undertaken without the most careful preparation;

Whereas the Constitution of the United States is designed to meet the needs of the Nation in peace and in war and to meet any common danger to the Nation;

Whereas in time of war and periods of emergency, in particular, the constitutional principles of separation of powers and checks and balances are most critical; and

Whereas offensive military action by the United States must not be undertaken without full and thorough debate in the Congress: Now, therefore, be it

*Resolved*, That it is the sense of the Senate—

(1) that, under the Constitution of the United States, it is the Congress that has the power to take the country from a state of peace to a state of war against another nation;

(2) that the framers of the Constitution understood that the President, in an emergency, may act to defend the country and repel sudden attack, but reserved the matter of offensive war to the Congress as the representatives of the people;

(3) that the Senate affirms the requirement under the Constitution that the President seek approval of the Congress before the United States undertakes offensive military action against another nation;

(4) that consultation by the President with the Congress on any United States undertaking of offensive military action against another nation must allow sufficient time for the Congress to fully debate the matter and shape national policy; and

(5) that any offensive military action by the United States against another country shall occur only after the Congress has authorized such action.

Mr. BYRD. Mr. President, to many Americans, the word "Vietnam" has become a painful reminder of a bloody quagmire of a never-ending war without an exit strategy. Certainly, Vietnam is a reminder of failed leadership and two destroyed Presidencies. Like the Johnson and Nixon administrations during the Vietnam era, when their war policies were attacked, the Bush administration wraps itself in the American flag and often engages in tactics of impugning not only the integrity but the patriotism of its critics. President Bush has even said those who compared Iraq to Vietnam send the wrong message to our troops. Such a comparison, he suggests, harms our troops.

I continue to be alarmed that the war in Iraq shows all the signs of degenerating into an equally calamitous debacle as Vietnam. And that is the

point. The war in Vietnam lasted more than 10 years. It took more than 58,000 American lives. That long, painful war could have been avoided. Thousands of American lives could have been saved. The blood of thousands of American sons and daughters could have been saved. It need not have been spilled. That is why references to Vietnam are being made when talking about the war in Iraq. I make the comparison because I am furious, absolutely furious, that this Government, after the bitter and bloody experience of Vietnam, has failed to heed the lessons of Vietnam.

How could we have failed to consider the lessons of Vietnam before stumbling into Iraq? I didn't vote to go into Iraq. I said, hell, no, I won't go. We are doing the wrong thing if we go into Iraq. Did they listen? Did they hear? The American people have a right, the public has a right, to ask this question.

As a Senator, I have an obligation both morally and politically to ask that question. How could we not think about the error this country made with respect to Vietnam before we invaded Iraq? The similarities were obvious. In opposing the Iraq war resolution, which I did, I and others expressed concern that the Iraq resolution was another Gulf of Tonkin resolution and could well lead to another Vietnam. As to the Tonkin Gulf resolution, S.J. Res. 46, I explained in this way:

... have several things in common. Congress is again being asked to vote on the use of force without hard evidence that the country poses an immediate threat to the national security of the United States. We are being asked to vote on a resolution authorizing the use of force in a hyped up, politically charged atmosphere in an election year. Congress is again being rushed into a judgment.

And I quoted Senator Wayne Morse, one of the two Senators who opposed the Tonkin Gulf resolution, as he proclaimed:

The resolution will pass, and Senators who voted for it will live to regret it.

How right he was.

Tragically, tragically, as the war in Iraq has progressed, the parallels with the Vietnam war continue to mount. We have learned that, once again, the American people were led down the primrose path in rallying support for a costly war. Congress and the American people were told about weapons of mass destruction in Iraq. Yes. They were told about Saddam Hussein's connections to al-Qaida. They were told about Iraq trying to purchase uranium from Africa.

The cost of the war was once estimated to be less than \$100 billion. But the bill is now rising ever closer to half a trillion dollars. As a result, the National Journal pointed out, "as with Vietnam, political support for [the war in] Iraq has proved to be fragile in part because it was secured by justification that has been discredited."

In each of the two wars, American soldiers were placed in the treacherously difficult situation of having to fight an uncertain, indistinguishable

enemy, never knowing friend, never knowing foe, until they started shooting. As in Vietnam, our soldiers are once again confronted with the deadly situation of trying to ferret out insurgents in a population that is willing—listen—a population that is willing to hide them.

In each war, we went in thinking of ourselves as liberators. We came to be seen by the people we were supposed to be liberating as the invaders. In each war, where it was so necessary for us to win the hearts and minds of the people of the country, our presence there, instead, alienated the people of the country and turned them against us. In each war, both the White House, yes, and the Pentagon, yes, grossly and tragically underestimated the determination and the ferocity of our opponents.

Bring them on, bring them on, President Bush chided the Iraqis and terrorists on July 2, 2003. Do you remember that? I do. He said “bring ‘em on.”

In the time since he made that statement “bring ‘em on,” we, the American people, have lost more than 2,800 troops in that war.

Yes, “bring ‘em on.” “Bring ‘em on.” And so they brought them on. We have lost more than 2,800 troops in that war. As of today, 3,062—get that—3,062 Americans in total have been killed in Iraq. And for what? And for what, I ask? As of today, 3,062 Americans in total have been killed in that war.

Yes, “bring ‘em on,” President Bush chided the Iraqis and terrorists on July 2, 2003. So I will say it once more. We have lost more than 2,800 troops in that war since President Bush said: “bring ‘em on.”

Former Senator Max Cleland—do you remember him? I remember him. He used to sit right back there. Max Cleland, bless his heart, recently pointed out that American forces have now “become sitting ducks in a shooting gallery for every terrorist in the Middle East.”

Although Congress should have learned important lessons from the Vietnam war, there are now ominous indications that a path to a new military confrontation is being created right before our eyes. Just this month, the President announced his intention to “interrupt the flow of support from Iran and Syria” into Iraq.

What does this saber-rattling comment really mean? Hear me. Does the President seek to expand the ongoing war beyond Iraq’s borders? Does he? Does this comment really mean that? Or are we already on a course to another war in the Middle East? Are we? Will Syria or Iran be the Cambodia of a 21st century Vietnam? Will Syria or Iran be the Cambodia of a 21st century Vietnam?

In the State of the Union Address last night, the President called out Iran no less than seven times. Was the speech the first step in an effort to blame all that has gone wrong in the Middle East on Iran? Was the focus on

Iran during the President’s address an attempt to link Iran to the war on terrorism, and, by extension, start building a case that our response to the 9/11 attacks must include dealing with Iran?

I fear—and I hope I am wrong—that the machinery may have already been set in motion which may ultimately lead to a military attack inside Iran or perhaps Syria, despite the opposition of the American people, many in Congress, and even some within the President’s administration.

Wise counsel from congressional leaders to step back from the precipice of all-out war in the Middle East is too easily disregarded. To forestall a looming disaster, Congress must act to save the checks and balances established by the Constitution.

Today I am introducing a resolution that clearly states that it is Congress—the Congress, the Congress, not the President—that is vested with the ultimate decision on whether to take this country to war against another country.

This resolution, which I hold in my hand—here it is—this resolution is a rejection—hear me—a rejection of the bankrupt, dangerous, and unconstitutional doctrine of preemption. Let me say that again. This resolution, which I hold in my hand, is a rejection of the bankrupt, dangerous, and unconstitutional doctrine of preemption, which proposes that the President—any President—may strike another country before that country threatens us, before that country threatens us. That is the doctrine of preemption: We may strike, we may attack, we may invade another country before it threatens us.

Now, this resolution, which I am going to introduce, returns our Government to the inspired intent of the Framers, God bless them, of the Constitution who so wisely placed the power to declare war in the hands of the elected representatives of the American people.

If there exists a reckless determination for a new war in the Middle East, I fear that the attorneys of the executive branch are already seeking ways to tie this war to the use of force resolution for Iraq, or the resolution passed in response to 9/11. But the American people need only be reminded about the untruths of Iraq’s supposed ties to the 9/11 attacks to see how far the truth can be stretched in order to achieve the desired outcome.

If the executive branch were to try to prod, stretch, or rewrite the 9/11 or the Iraq use of force resolutions in an outrageous attempt to apply them to an attack on Iran, on Syria, or anywhere else, this resolution of mine is clear—clear as the noonday Sun in a cloudless sky—this resolution is clear: The Constitution says that Congress—we here and those over there on the other side of the Capitol—the Constitution says that Congress, not the President, must make the decision for war or peace. The power to declare war resides in

Congress—resides here—and it is we—we, the elected representatives of the people—who are the “deciders.”

Congress has an obligation to the people of the United States. With so many of our sons and daughters spilling their blood in one costly war, Senators and Representatives have a moral duty to question whether we are headed for an even more tragic conflict in the Middle East. But in order to question this administration—in order to fulfill the duties entrusted to us by the Constitution, to which we have sworn to support and defend—Congress must first insist that the powers given to this body—the Congress, the Senate and the House—are held sacrosanct. We must insist that these powers, including the power to declare war, are not usurped by this President or any other President who will follow.

The resolution, Mr. President, which I am submitting today, is an effort to protect the Constitution—an effort to protect the Constitution—from the zeal of the executive branch, whose very nature is to strive for more and more power during a time of war.

It is time now for Congress to put its foot down and stand up for the Constitution. Our Nation did not ask to be put into another Vietnam. Let us not deceive ourselves that we are somehow immune to another Cambodia. Let us stop a reckless, costly war in Iran or Syria before it begins by restoring the checks and balances that our Founders so carefully—so carefully—designed.

I send, Mr. President, the resolution to the desk.

The PRESIDING OFFICER. The resolution will be received and appropriately referred.

Mr. BYRD. I thank the Chair.

Mr. President, let the title be read, please.

The PRESIDING OFFICER. Without objection, the title will be read.

The bill clerk read as follows:

A resolution (S. Res. 39) expressing the sense of the Senate on the need for approval by the Congress before any offensive military action by the United States against another nation.

Mr. BYRD. I thank the Chair, and I thank the clerk.

I yield the floor.

#### SENATE CONCURRENT RESOLUTION 4—EXPRESSING THE SENSE OF CONGRESS ON IRAQ

Mr. WARNER (for himself, Mr. NELSON of Nebraska, Ms. COLLINS, Mr. COLEMAN, Mr. SALAZAR, Mr. BAYH, Ms. LANDRIEU, Mr. NELSON of Florida, and Mrs. MCCASKILL) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 4

Whereas, we respect the Constitutional authorities given a President in Article II, Section 2, which states that “The President shall be commander in chief of the Army and Navy of the United States;” it is not the intent of this resolution to question or contravene such authority, but to accept the